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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,343	09/10/2003	Rena M. Schoonmaker	IGT1P312/AC00028-001	5150
79646 7590 06/22/2010 Weaver Austin Villeneuve & Sampson LLP - IGT Attn: IGT P.O. Box 70250 Oakland, CA 94612-0250			EXAMINER ERB, NATHAN	
			ART UNIT 3628	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/660,343	<b>Applicant(s)</b> SCHOONMAKER ET AL.	
	<b>Examiner</b> NATHAN ERB	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12, 14-16, 18-27, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12, 14-16, 18-27, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20100416</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 7, 2010, has been entered.

### ***Response to Arguments***

2. Applicant's response to Office action was received on April 7, 2010.
3. Please note the new claim objection below in this Office action.
4. Please note the new claim rejections under 35 U.S.C. 101 below in this Office action.
5. In response to Applicant's amendment of the claims, the corresponding prior art claim rejections have been correspondingly amended below in this Office action.
6. Examiner believes that the amendments to the prior art rejections below in this Office action render Applicant's arguments to be no longer applicable.

### ***Claim Objections***

7. Claim 29 is objected to because of the following informalities: In the second line of claim 29, please replace the word "form" with --from--. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 16 and 18-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A claimed process is eligible for patent protection under 35 U.S.C. § 101 if:

"(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See Benson, 409 U.S. at 70 ('Transformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines. '); Diehr, 450 U.S. at 192 (holding that use of mathematical formula in process 'transforming or reducing an article to a different state or thing' constitutes patent-eligible subject matter); see also Flook, 437 U.S. at 589 n.9 ('An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or operated to change materials to a 'different state or thing' '); Cochrane v. Deener, 94 U.S. 780, 788 (1876) ('A process is...an act, or a series of acts, performed upon the subject-matter to be transformed and reduced to a different state or thing.').<sup>7</sup> A claimed process involving a fundamental principle that uses a particular machine or apparatus would not pre-empt uses of the principle that do not also use the specified machine or apparatus in the manner claimed. And a claimed process that transforms a particular article to a specified different state or thing by applying a fundamental principle would not pre-empt the use of the principle to transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article." (*In re Bilski*, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008))

Also noted in *Bilski* is the statement, "Process claim that recites fundamental principle, and that otherwise fails 'machine-or-transformation' test for whether such claim is drawn to patentable subject matter under 35 U.S.C. §101, is not rendered patent eligible by mere field-of-use limitations; another corollary to machine-or-transformation test is that recitation of specific machine or particular transformation of specific article does not transform unpatentable principle into patentable process if

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recited machine or transformation constitutes mere ‘insignificant post-solution activity.’”

(*In re Bilski*, 88 USPQ2d 1385, 1385 (Fed. Cir. 2008)) Examples of insignificant post-

solution activity include data gathering and outputting. Furthermore, the machine or

transformation must impose meaningful limits on the scope of the method claims in

order to pass the machine-or-transformation test. Please refer to the USPTO’s

“Guidance for Examining Process Claims in view of *In re Bilski*” memorandum dated

January 7,

2009, [http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski\\_guidance\\_memo.pdf](http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski_guidance_memo.pdf).

It is also noted that the mere recitation of a machine in the preamble in a manner such that the machine fails to patentably limit the scope of the claim does not make the

claim statutory under 35 U.S.C. § 101, as seen in the Board of Patent Appeals

Informative Opinion *Ex parte Langemyr et al.* (Appeal 2008-1495),

<http://www.uspto.gov/web/offices/dcom/bpai/its/fd081495.pdf>.

Claims 16 and 18-27 are not tied to a particular machine or apparatus nor do they transform a particular article into a different state or thing, thereby failing the machine-or-transformation test; therefore, claims 16 and 18-27 are non-statutory under § 101.

Appropriate correction is required.

More specifically, although claim 16 collects data from a game unit, merely collecting and storing the data can be regarded as extra-solution activity, not being the

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key or "core" steps of claim 16. In order to attempt to overcome these rejections,

Examiner suggests the following amendments:

a. In the tenth line of claim 16, please insert the text --, by a computer system,-- immediately following the word "accepting."

b. In the tenth line of claim 16, please insert the text --, by the computer system,-  
- immediately following the word "generating."

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-8, 12, 14-16, 18-27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeStrange et al., U.S. Patent No. 5,470,079, in view of Howington, U.S. Patent Application Publication No. US 2002/0152120 A1, in further view of Cannon, U.S. Patent Application Publication No. US 2002/0183105 A1, in further view of Britt et al., U.S. Patent Application Publication No. US 2003/0069071 A1.

As per **Claim 1**, LeStrange et al. discloses:

- an accounting system (column 3, lines 7-19);
- a receiver configured to collect from a single game unit first meter information from a first unique configuration in the single game unit and second meter information from a second unique configuration in the single game unit (Figure 1; column 4, line 56,

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through column 5, line 45; column 11, line 59, through column 12, line 40; receiver is central or host computer system 20; a single game machine may be capable of playing multiple different games; different games represent different machine configurations; meter information for different games is recorded separately);

- wherein a unique configuration includes a unique game (column 11, line 59, through column 12, line 40; a single game machine may be capable of playing multiple different games; different games represent different machine configurations);

- wherein the game is player-selectable (column 11, line 59, through column 12, line 40; claims 17, 29, and 46);

- a database configured to store the collected information (column 4, line 56, through column 5, line 45);

- a calculator structured to generate statistical information from the collected information for the unique configurations in the single game unit, including on a per-configuration basis (column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40);

- wherein calculated statistics for a configuration include additional information (column 4, line 56, through column 5, line 5; column 6, lines 36-43).

LeStrange et al. fails to disclose wherein a unique configuration includes a unique wager denomination. Howington discloses wherein a unique configuration includes a unique wager denomination (paragraph [0004]; paragraphs [0029]-[0030]; paragraph [0036]; claim 16; combining the configuration-defining attributes of game and

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denomination into a single invention makes the configuration a combination). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. such that a unique configuration includes a unique wager denomination, as disclosed by Howington. Motivation is provided by Howington in that tracking denomination of a machine allows other tracked parameters to be compared on the basis of the denomination of machines (paragraph [0036]).

LeStrange fails to disclose wherein a single game unit may play poker, blackjack, or keno; wherein a unique configuration includes a unique program; wherein a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback; wherein a program is player-selectable; wherein the denomination is player-selectable. Cannon discloses wherein a single game unit may play poker, blackjack, or keno (paragraph [0045]); wherein a unique configuration includes a unique program (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein a program is player-selectable (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein the denomination is player-selectable (paragraph [0154]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that a single game unit may play poker, blackjack, or keno; a unique configuration includes a unique program; a program represents a pay schedule that includes game outcome



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probabilities that define a particular version of a model that yields a specified payback; a program is player-selectable; and the denomination is player-selectable, as disclosed by Cannon, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange fails to disclose a comparison of financial performance of different configurations at the game unit; a comparison of financial performance of different games within a given game type at the game unit. Britt discloses a comparison of financial performance of different configurations at the game unit (Figure 28; paragraphs [0239]-[0244]); a comparison of financial performance of different games within a given game type at the game unit (Figure 28; paragraphs [0239]-[0244]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that it includes a comparison of financial performance of different configurations at the game unit; and a comparison of financial performance of different games within a given game type at the game unit, as disclosed by Britt, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 2**, LeStrange et al. further discloses wherein the first meter information is coin-in for the first unique configuration (column 5, line 65, through

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column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; according to p. 10, lines 26-28, of applicants' specification, the coin-in meter measures the total coins wagered in a configuration; this corresponds to the "game play meter" of the reference).

As per **Claim 3**, LeStrange et al. further discloses wherein the receiver is structured to also collect coin-out information for the first unique configuration (Figure 1; column 4, line 56, through column 5, line 45; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; according to p. 10, lines 26-32, of applicants' specification, a total coin-out meter measures the total coins paid as a result of a winning outcome generated by a configuration; this corresponds to the "game out meter" of the reference).

As per **Claim 4**, LeStrange et al. further discloses wherein the coin-out information does not include system bonus payments (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; according to p. 10, lines 26-32, of applicants' specification, a total coin-out meter measures the total coins paid as a result of a winning outcome generated by a configuration and does not include system bonus payments; therefore, system bonus payments are not coins paid as a result of a winning outcome generated by a configuration; total coin-out meter corresponds to the "game out meter" of the reference, which the reference only

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describes as being incremented as a result of a win on a machine; therefore, the “game out meter” of the reference would not measure system bonus payments).

As per **Claim 5**, LeStrange et al. further discloses wherein the coin-out information includes monetary value paid directly by the single game unit (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60). LeStrange et al. further discloses wherein the coin-out information includes monetary value generated by the single game unit for the first unique configuration (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; according to p. 10, lines 26-32, of applicants’ specification, a total coin-out meter measures the total coins paid as a result of a winning outcome generated by a configuration; this corresponds to the “game out meter” of the reference). LeStrange et al. and Howington fail to disclose monetary value being paid in the form of a hand pay. Britt et al. further discloses monetary value being paid in the form of a hand pay (paragraph [0925]; paragraph [0935]; paragraph [0944]). It would have been obvious to one of ordinary skill in the art at the time of applicants’ invention to modify the invention of LeStrange et al. as modified in the rejection for claim 3 such that monetary value is paid in the form of a hand pay, as disclosed by Britt et al. Motivation is provided in that Examiner hereby takes Official Notice that it was well-known to one of ordinary skill in the art at the time of applicants’ invention that hand pays are a common method for casinos to pay out winnings to

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customers; therefore, it would make sense to take hand pays into consideration in a gaming accounting system.

As per **Claim 6**, LeStrange et al. further discloses wherein the first meter information and second meter information are subsets of all meters stored in the single game unit (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40).

As per **Claim 7**, LeStrange et al. further discloses wherein meter information is only collected if meter information is non-zero information (column 4, lines 18-34; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; game meter information is only transferred to host computer if the game is played and then the player switches to another game; therefore, if a game has not been played, its zero meter values will not be transferred to and collected by the host computer).

As per **Claim 8**, LeStrange et al. and Howington fail to disclose wherein meter information is collected at a regular interval. Britt et al. further discloses wherein meter information is collected at a regular interval (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 1 such that meter information is

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collected at a regular interval, as disclosed by Britt et al. Motivation is provided by Britt et al. in that collecting the information at regular intervals keeps the central monitoring system updated (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]).

As per **Claim 12**, LeStrange et al. further discloses wherein the calculator is structured to generate a hold percentage for the first unique configuration during a certain time period (Figure 1; column 3, lines 7-19; column 3, lines 39-56; column 4, line 56, through column 5, line 45; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 9, lines 48-67; column 11, line 59, through column 12, line 40).

As per **Claim 14**, LeStrange et al. fails to disclose a reporter structured to gather and present portions of the collected information. Howington discloses a reporter structured to gather and present portions of the collected information (Figure 5; Figure 6; Figure 7; Figure 8; Figure 9; Figure 10; paragraph [0040]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. such that it includes a reporter structured to gather and present portions of the collected information, as disclosed by Howington. Motivation is provided by Howington in that casinos track gaming machine performance for regulatory and revenue-generating reasons (paragraph [0003]; paragraph [0006]).

As per **Claim 15**, LeStrange et al. fails to disclose a reporter structured to gather and present portions of the collected information and the additional information. Howington discloses a reporter structured to gather and present portions of the collected information and the additional information (Figure 5; Figure 6; Figure 7; Figure 8; Figure 9; Figure 10; paragraph [0040]; in light of applicants' specification, "additional information" is being interpreted to include actual win percentage, which is simply another way of expressing actual hold percentage). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 1 such that it includes a reporter structured to gather and present portions of the collected information and the additional information, as disclosed by Howington. Motivation is provided by Howington in that casinos track gaming machine performance for regulatory and revenue-generating reasons (paragraph [0003]; paragraph [0006]).

As per **Claim 16**, LeStrange et al. discloses:

- a method of accounting for networked gaming devices (Figure 1; column 3, lines 7-19; column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40; claims 1 and 14-16);

- collecting values from more than one unique configuration from a single game unit (Figure 1; column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40; a single game machine may be capable of playing multiple different

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games; different games represent different machine configurations; meter information for different games is recorded separately);

- wherein a unique configuration includes a unique game (column 11, line 59, through column 12, line 40; a single game machine may be capable of playing multiple different games; different games represent different machine configurations);

- wherein the game is player-selectable (column 11, line 59, through column 12, line 40; claims 17, 29, and 46);

- storing the collected values (column 4, line 56, through column 5, line 45);

- generating calculated values from the collected values for all unique configurations in the single game unit (column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40).

LeStrange et al. fails to disclose wherein a unique configuration includes a unique game wager denomination. Howington discloses wherein a unique configuration includes a unique game wager denomination (paragraph [0004]; paragraphs [0029]-[0030]; paragraph [0036]; claim 16; combining the configuration-defining attributes of game and game denomination into a single invention makes the configuration a combination). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. such that a unique configuration includes a unique game wager denomination, as disclosed by Howington. Motivation is provided by Howington in that tracking denomination of a machine allows other tracked parameters to be compared on the basis of the denomination of machines (paragraph [0036]).

LeStrange et al. fails to disclose accepting queries to the collected values.

Howington discloses accepting queries to the collected values (Figures 4-6; paragraph [0015]; paragraphs [0029]-[0037]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. such that it accepts queries to the collected values, as disclosed by Howington.

Motivation is provided by Howington in that accepting queries to stored values helps casino management to track performance of particular gaming machines (paragraph [0034]; paragraph [0037]).

LeStrange et al. fails to disclose reporting the calculated values. Howington further discloses reporting the calculated values (Figures 4-6; paragraph [0015]; paragraphs [0029]-[0037]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified above in this rejection such that it reports the calculated values, as disclosed by Howington. Motivation is provided by Howington in that reporting the subset of stored values helps casino management to track performance of particular gaming machines (paragraph [0034]; paragraph [0037]).

LeStrange fails to disclose wherein a unique configuration includes a unique program; wherein a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback; wherein a program is player-selectable; wherein the denomination is player-selectable. Cannon discloses wherein a unique configuration includes a unique program (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]);



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wherein a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein a program is player-selectable (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein the denomination is player-selectable (paragraph [0154]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that a unique configuration includes a unique program; a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback; a program is player-selectable; and the denomination is player-selectable, as disclosed by Cannon, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange fails to disclose a comparison of financial performance of different configurations at the game unit; a comparison of financial performance of different games within a given game type at the game unit. Britt discloses a comparison of financial performance of different configurations at the game unit (Figure 28; paragraphs [0239]-[0244]); a comparison of financial performance of different games within a given game type at the game unit (Figure 28; paragraphs [0239]-[0244]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that it includes a comparison of financial performance of different configurations at the game

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unit; and a comparison of financial performance of different games within a given game type at the game unit, as disclosed by Britt, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **Claim 18**, LeStrange et al. and Howington fail to disclose wherein reporting comprises printing. However, Examiner hereby takes Official Notice that that element/limitation was well-known to one of ordinary skill in the art at the time of applicants' invention. It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 16 such that reporting comprises printing, as was well-known to one of ordinary skill in the art at the time of applicants' invention. Motivation is provided in that Examiner hereby takes Official Notice that it was well-known to one of ordinary skill in the art at the time of applicants' invention that paper is a convenient medium for reporting information.

As per **Claim 19**, LeStrange et al. further discloses wherein each unique configuration has a unique identifier (column 11, line 59, through column 12, line 40).

As per **Claim 20**, LeStrange et al. fails to disclose wherein the single game unit has an identifier unique from any other game unit in the network of gaming devices.

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Howington discloses wherein the single game unit has an identifier unique from any other game unit in the network of gaming devices (Figures 4-6; paragraphs [0029]-[0037]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 19 such that the single game unit has an identifier unique from any other game unit in the network of gaming devices, as disclosed by Howington.

Motivation is provided by Howington in that a machine identifier is used to differentiate the various gaming machines in the network for helping casino management to track performance of particular gaming machines (Figures 4-6; paragraphs [0029]-[0037]).

As per **Claim 21**, LeStrange et al. further discloses wherein accepting values comprises accepting meter values (Figure 1; column 4, line 56, through column 7, line 25; column 11, line 59, through column 12, line 40).

As per **Claim 22**, LeStrange et al. further discloses wherein accepting meter values comprises accepting meter values only if they are non-zero values (column 4, lines 18-34; column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40; game meter information is only transferred to host computer if the game is played and then the player switches to another game; therefore, if a game has not been played, its zero meter values will not be transferred to and collected by the host computer).

As per **Claim 23**, LeStrange et al. further discloses wherein accepting meter values comprises accepting fewer than all of the available meter values in the single game unit (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40).

As per **Claim 24**, LeStrange et al. further discloses wherein accepting meter values comprises accepting meter values after an event (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40).

As per **Claim 25**, LeStrange et al. further discloses wherein the event is the end of a session of the configuration (column 5, line 65, through column 6, line 20; column 6, lines 36-43; column 7, lines 28-60; column 11, line 59, through column 12, line 40).

As per **Claim 26**, LeStrange et al. and Howington fail to disclose wherein accepting values comprises accepting values at established time intervals. Britt et al. further discloses wherein accepting values comprises accepting values at established time intervals (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 16 such that accepting values comprises accepting values at established time intervals, as disclosed by Britt et al. Motivation is provided by

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Britt et al. in that collecting the information at regular intervals keeps the central monitoring system updated (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]).

As per **Claim 27**, LeStrange et al. and Howington fail to disclose wherein an established time interval is once per day. Britt et al. further discloses wherein an established time interval is once per day (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of LeStrange et al. as modified in the rejection for claim 26 such that an established time interval is once per day, as disclosed by Britt et al. Motivation is provided in that Examiner hereby takes Official Notice that it was well-known to one of ordinary skill in the art at the time of applicants' invention that a day is a common time interval to choose for breaking up data over time periods.

As per **Claim 29**, LeStrange et al. discloses:

- an accounting system (column 3, lines 7-19);
- a receiver configured to collect from a single game unit first meter information from a first unique configuration in a single game unit and second meter information from a second unique configuration in the single game unit (Figure 1; column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40; receiver is central or host computer system 20; a single game machine may be capable of playing

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multiple different games; different games represent different machine configurations; meter information for different games is recorded separately);

- wherein a unique configuration includes a unique game (column 11, line 59, through column 12, line 40; a single game machine may be capable of playing multiple different games; different games represent different machine configurations);

- wherein the game is player-selectable (column 11, line 59, through column 12, line 40; claims 17, 29, and 46);

- a database configured to store the collected information (column 4, line 56, through column 5, line 45);

- a calculator structured to generate statistical information from the collected information for the unique configurations in the single game unit, including on a per-configuration basis (column 4, line 56, through column 5, line 45; column 11, line 59, through column 12, line 40);

- wherein calculated statistics for a configuration include additional information (column 4, line 56, through column 5, line 5; column 6, lines 36-43).

LeStrange et al. fails to disclose wherein a unique configuration includes a unique wager denomination. Howington discloses wherein a unique configuration includes a unique wager denomination (paragraph [0004]; paragraphs [0029]-[0030]; paragraph [0036]; claim 16; combining the configuration-defining attributes of game and denomination into a single invention makes the configuration a combination). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention

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to modify the invention of LeStrange et al. such that a unique configuration includes a unique wager denomination, as disclosed by Howington. Motivation is provided by Howington in that tracking denomination of a machine allows other tracked parameters to be compared on the basis of the denomination of machines (paragraph [0036]).

LeStrange fails to disclose wherein a single game unit may play poker, blackjack, or keno; wherein a unique configuration includes a unique program; wherein a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback; wherein a program is player-selectable; wherein the denomination is player-selectable. Cannon discloses wherein a single game unit may play poker, blackjack, or keno (paragraph [0045]); wherein a unique configuration includes a unique program (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein a program is player-selectable (paragraphs [0045], [0051], [0067], [0080], [0112], [0114], [0117], [0120]-[0121]); wherein the denomination is player-selectable (paragraph [0154]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that a single game unit may play poker, blackjack, or keno; a unique configuration includes a unique program; a program represents a pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback; a program is player-selectable; and the denomination is player-selectable, as disclosed by

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Cannon, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange fails to disclose a comparison of financial performance of different configurations at the game unit; a comparison of financial performance of different games within a given game type at the game unit. Britt discloses a comparison of financial performance of different configurations at the game unit (Figure 28; paragraphs [0239]-[0244]); a comparison of financial performance of different games within a given game type at the game unit (Figure 28; paragraphs [0239]-[0244]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange such that it includes a comparison of financial performance of different configurations at the game unit; and a comparison of financial performance of different games within a given game type at the game unit, as disclosed by Britt, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange et al. and Howington fail to disclose wherein meter information is collected at established intervals. Britt et al. further discloses wherein meter information is collected at established intervals (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]). It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to modify the invention of



LeStrange et al. as modified above in this rejection such that meter information is collected at established intervals, as disclosed by Britt et al. Motivation is provided by Britt et al. in that collecting the information at regular intervals keeps the central monitoring system updated (Figure 1; paragraphs [0087]-[0089]; paragraphs [0926]-[0929]; paragraphs [1004]-[1019]).

12. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over LeStrange et al. in view of Howington in further view of Cannon in further view of Britt in further view of Freels et al., U.S. Patent No. 5,759,103, in further view of Rowe et al., U.S. Patent Application Publication No. US 2002/0187834 A1.

As per **Claim 30**, LeStrange further discloses wherein calculated statistics for a configuration include slot handle (column 4, line 56, through column 5, line 5; column 6, lines 36-43). LeStrange et al. fails to disclose wherein calculated statistics for a configuration include actual game hold percentage. Howington further discloses wherein calculated statistics for a configuration include actual game hold percentage (Figure 4; paragraph [0029]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange et al. such that calculated statistics for a configuration include actual game hold percentage, as disclosed by Howington, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange et al. fails to disclose wherein calculated statistics for a configuration include slot win. Freels et al. discloses wherein calculated statistics for a configuration include slot win (column 4, line 62, through column 5, line 40; claims 6-7). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange et al. such that calculated statistics for a configuration include slot win, as disclosed by Freels et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

LeStrange et al. fails to disclose wherein calculated statistics for a configuration include individual game hold percentage and machine hold percentage. Rowe et al. discloses wherein calculated statistics for a configuration include individual game hold percentage and machine hold percentage (paragraphs [0106]-[0111]). It would have been obvious to one of ordinary skill in the art to modify the invention of LeStrange et al. such that calculated statistics for a configuration include individual game hold percentage and machine hold percentage, as disclosed by Rowe et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Examiner  
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